

1 H. Jayne Ahn, Esq.
2 California State Bar No. 234002
3 Law Office of H. Jayne Ahn
4 2005 De La Cruz Blvd. Ste. 265
5 Santa Clara, CA 95050
6 Telephone: (408) 982-0998
7 Facsimile: (408) 982-0997
8 Email: bankruptcy.law@mail.com

9
10 Attorney for Debtors
11
12
13

14 UNITED STATES BANKRTUPCY COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 OAKLAND DIVISION

17
18 In Re:) Chapter 7
19 Tae Joon Um and Chong Min Yi,)
20 Debtors.) Bankruptcy No. 09-49239
21)
22) Adversary Case No. 09-04599
23)
24) MOTION TO DISMISS ADVERSARY
25) PROCEEDING
26) FED. R.CIVIL P. 9 (b);FED. R.BANKR.P.7009
27) FED. R. CIVIL P. 12(b)(6)
28

29 Joint debtor and defendant in this action, Chong Min Yi (the "Debtor"), pursuant to *Fed.*
30 *R. Civil P. 9(b)* and *Fed. R. Civil P. 12(b)(6)*, by and through her counsel of record, respectfully
31 submits this Motion to Dismiss Adversary Proceeding filed by Wells Fargo Bank, N.A.(the
32 "Plaintiff") on December 31, 2009 for failure to plead the necessary elements with specificity to
33 establish fraud under *11 U.S.C.S. § 523*. A memorandum of points and authorities in support hereof
34 is concurrently filed with this Court as a separate document pursuant to *Bankruptcy Local Rule*
35 *9013-1*.

PRAYER FOR RELIEF

WHEREFORE, the Debtor prays that this Court grant the following relief:

1. Dismiss the Plaintiff's Adversary Proceeding brought under 11 U.S.C. § 523 with prejudice;
 2. An order awarding the Debtor its attorneys' fees and costs incurred herein; and
 3. An order awarding the Debtor such additional relief as this Court deems just and equitable.

DATED: January 20, 2010

/s/ H. Jayne Ahn

Attorney for Debtor